

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance or into better condition for appeal.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1, 3-5, 7, 9-11, 13 and 17-28 are pending.

Claims 1, 7, 13, 21 and 25 are amended, without prejudice.

No new matter is added by these amendments.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112.

The amendments and remarks herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Support for the amended is found throughout the specification.

II. 35 U.S.C. §103 REJECTIONS

Claims 1, 3-5, 7, 9-11, 13 and 17-20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,088,722 to Herz et al. and in view of U.S. Patent No. 5,790,426 to Robinson. The rejection is traversed.

The elements in claims 1, 7 and 13 are absent in the portions of the Herz and Robinson patents cited in the Final Office Action.

The Examiner admits that Herz et al. does not explicitly disclose that the group user model is formed by a maximum model mode, minimum model mode or average model mode for

selecting the maximum value, minimum value or average value, respectively, of the plurality of the specific model. The Examiner then relies on Robinson to teach this element, and relies on a portion of Robinson where a user is allowed to select a maximum value or minimum value when entering a subscriber taste for a particular genre. Applicants respectfully disagree.

As amended, claims 1, 7 and 13 specifically recite that a group user model is employed to retrieve information in accordance with a user-selectable maximum value mode, minimum value mode or average value mode and “not in accordance with the user selection taste data; wherein a determination of the information retrieval method is based on the priority order tables and not on user-inputted value modes.” (Emphasis ours)

Therefore, the instant claims are believed to be distinguishable from Herz and Robinson for at least the reasons stated above.

Claims 3-5, 9-11 and 17-20 depend from one of claims 1, 7 and 13 and, due to such dependency, are also believed to be distinguishable from Herz and Robinson for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 1, 3-5, 7, 9-11, 13 and 17-20 under 35 U.S.C. §103(a) over Herz and Robinson be reconsidered and withdrawn.

Claims 21-28 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,112,186 to Bergh et al. and in view of U.S. Patent No. 5,798,785 to Hendricks et al. The rejection is traversed.

The elements in claims 21 and 25 are absent in the portions of the Bergh and Hendricks patents cited in the Final Office Action.

Applicants have amended claims 21 and 25 to include elements similar to those noted above with respect to claim 1. Applicants further submit that neither Bergh et al. nor Hendricks

et al. teach these elements noted above, and therefore Applicants submit that claims 21 and 25 are distinguishable from Bergh and Hendricks.


Claims 22-24 and 26-28 depend from one of claims 21 and 25 and, due to such dependency, are also believed to be distinguishable from Bergh and Hendricks for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 21-28 under 35 U.S.C. §103(a) over Bergh and Hendricks be reconsidered and withdrawn.

Consequently, reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

CONCLUSION

By this Amendment, claims 1, 3-5, 7, 9-11, 13 and 17-28 should be allowed; and this application is in condition for allowance. Favorable reconsideration of the application, withdrawal of the rejections and objections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
By: 
Samuel H. Megardichian
Reg. No. 45,678
Tel: (212) 588-0800
Fax: (212) 588-0500